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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/051,644 | 01/18/2002 | Leo Liu | 2002630-0012 | 8744 |

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EXAMINER

PRIEBE, SCOTT DAVID

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| ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| ART UNIT | PAPER |
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20041208

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Commissioner for Patents

The reply filed on 9/27/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s). See 37 CFR 1.111.

The application was held in non-compliance with 37 CFR 1.81-1.825 for being incomplete and because certain sequences listed in the Sequence Listing, specifically SEQ ID NOs: 5-8, did not match those assigned the SEQ ID NOs in the original specification. The CRF and paper copies of the Sequence Listing filed 9/27/04 appear to be identical to those filed 3/4/03, i.e. none of the required corrections were made.

Page 5, line 21, of the specification lists a peptide sequence that has not been identified by an assigned SEQ ID NO, as required under 37 CFR 1.821(d), or listed in the Sequence Listing. This sequence must be listed in the Sequence Listing and identified on page 5 with its assigned SEQ ID NO.

Page 71, lines 13-14, discloses sequences identified as SEQ ID NOs: 5 and 6; page 72, line 25, discloses a sequence identified as SEQ ID NO: 7; and page 73, lines 28-29, discloses a sequence identified as SEQ ID NO: 8. The sequences listed in the Sequence Listing as SEQ ID NOs: 5-8 do not match any of the sequences listed on pages 71-73. Instead, the sequences listed in the Sequence Listing as SEQ ID NOs: 5-8 appear to correspond to sequences shown in Figure 3.

In addition, page 73, line 31, to page 74, line 2, discloses sequences identified as SEQ ID NOs: 9 and 10. Page 74, lines 20-21, discloses sequences identified as SEQ ID NOs: 11 and 12. Page 75, lines 16-17, discloses sequences identified as SEQ ID NOs: 13 and 14. Page 77, lines 20-21, discloses sequences identified as SEQ ID NOs: 15 and 16. Page 78, lines 3, 4, and 28, discloses sequences identified as SEQ ID NOs: 17, 18, and 19. Page 79, lines 16-18, discloses sequences identified as SEQ ID NOs: 20 and 21. Page 80, lines 28-29, discloses sequences identified as SEQ ID NOs: 22 and 23. Finally, page 81, line 4, discloses a sequence identified as SEQ ID NO: 24. None of these sequences have been listed in the Sequence Listing as required.

Figure 3 lists a series of amino acid sequences that have not been identified by their assigned SEQ ID NOs as per 37 CFR 1.821(d). This may be done either by amending the Brief Description of Figure 3 (preferred) or amending Figure 3 to include the assigned SEQ ID NOs. The first four sequences shown in Figure 3 appear to be subsequences of SEQ ID NOs: 1 or 3. It is requested that the residue numbers of SEQ ID NOs: 1 or 3 corresponding to these subsequences also be indicated.

It is suggested that the SEQ ID NO assignment of the original specification be preserved, i.e. the sequences disclosed on pages 71-75 and 77-81 be disclosed in the Sequence Listing as SEQ ID NOs: 5-24. It is also suggested that the sequence shown on page 5 and the sequences shown in Figure 3 (which were erroneously listed as SEQ ID NOs: 5-8 in the Sequence Listing filed 9/27/04) be assigned SEQ ID NOs: 25-29.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

SCOTT D. PRIEBE, PH.D.
PRIMARY EXAMINER
Scott D. Priebe